

House File 26 - Introduced

HOUSE FILE 26

BY LOHSE

A BILL FOR

- 1 An Act relating to the use of inventory checklists upon
- 2 commencement and termination of residential tenancies, and
- 3 including applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **562A.11A Inventory checklist.**

2 1. A landlord and tenant may agree to use a checklist to
3 determine the condition of the dwelling unit upon commencement
4 of and termination of a lease.

5 2. If a landlord and tenant agree to use a checklist under
6 this section, all of the following apply:

7 *a.* The landlord shall provide the checklist to the tenant
8 at the commencement of the tenancy. The landlord shall detail
9 the condition of the dwelling unit and shall provide the tenant
10 with a copy of the checklist. The checklist shall include
11 all items that affect the habitability of the dwelling unit
12 provided by the landlord at the commencement of the tenancy,
13 including but not limited to flooring, window coverings,
14 appliances, windows, furniture, walls, closets, shelves, paint,
15 doors, plumbing fixtures, and electrical fixtures.

16 *b.* The tenant may review the checklist, evaluate the
17 condition of each item, record a description of each item
18 on the checklist, and return the checklist to the landlord
19 within three days of receipt. A tenant that does not return
20 the checklist within three days of receipt shall be deemed to
21 have forfeited all rights under this section. The landlord
22 and tenant may extend this deadline by mutual agreement. A
23 tenant's provision of proof of mailing or other return of the
24 checklist to the landlord shall be sufficient proof of receipt
25 by the landlord.

26 *c.* A checklist used under this section shall contain the
27 following notice using not less than twelve point boldface type
28 at the top of the first page:

29 You should complete this inventory checklist, record a
30 description of the condition of each item, and return it to the
31 landlord within three days. Failure to do so will result in
32 the forfeiture of your rights under Iowa Code section 562A.11A.

33 *d.* At the termination of the tenancy, the landlord shall
34 complete a termination inventory checklist by evaluating the
35 condition of each item, recording a description of each item's

1 condition, and delivering one copy of the checklist to the
2 tenant as provided in section 562A.12, subsection 3, paragraph
3 "a".

4 e. A landlord shall complete a termination checklist if
5 a properly executed commencement checklist exists unless
6 the tenant waives this requirement in writing prior to the
7 termination of the tenancy.

8 3. This section does not apply to the rental of land upon
9 which a mobile home, as defined in section 562B.7, may be
10 placed.

11 4. This section shall not be construed to create an
12 obligation on a landlord to repair, replace, upgrade, or
13 otherwise improve the dwelling unit or any item within the
14 dwelling unit.

15 5. A tenant is deemed to be in possession of a checklist if
16 the checklist is hand delivered or electronically delivered to
17 the tenant at the commencement of the tenancy.

18 6. A subsequent checklist shall not be required for a
19 renewal or extension of an existing tenancy.

20 7. A landlord shall keep a copy of all commencement and
21 termination checklists entered into under this section for a
22 period of one year following the termination of the tenancy,
23 or for such longer period as the landlord may be required to
24 retain lease documents as may be required by law.

25 8. A landlord that uses a checklist may collect a refundable
26 deposit of an amount not to exceed one hundred fifty dollars.
27 The landlord shall collect the deposit at such time that the
28 tenant submits the rental application. The landlord may
29 require the tenant to pay such deposit in the form of a check.
30 If the tenant returns the checklist within the time required,
31 the landlord shall return the check or other form of payment
32 accepted by the landlord within three days. If the tenant
33 fails to return the checklist the deposit shall be forfeited to
34 the landlord.

35 9. A fully executed checklist under this section is presumed

1 to be valid. Any damage not disclosed on the checklist,
2 outside of ordinary wear and tear, is presumed to be the fault
3 of the tenant.

4 Sec. 2. Section 562A.12, subsection 3, paragraph a,
5 unnumbered paragraph 1, Code 2023, is amended to read as
6 follows:

7 A landlord shall, within thirty days from ~~the date of~~
8 ~~termination of the tenancy and receipt of the tenant's mailing~~
9 ~~address or delivery instructions~~ the end of the lease contract
10 or the date the unit is re-rented, whichever occurs first,
11 return the rental deposit to the tenant or furnish to the
12 tenant a copy of any termination inventory checklist required
13 to be completed by the landlord under section 562A.11A,
14 subsection 2, paragraph "d", and a written statement showing the
15 specific reason for withholding of the rental deposit or any
16 portion thereof. If the rental deposit or any portion of the
17 rental deposit is withheld for the restoration of the dwelling
18 unit, the statement shall specify the nature of the damages.
19 The landlord may withhold from the rental deposit only such
20 amounts as are reasonably necessary for the following reasons:

21 Sec. 3. Section 562A.12, subsection 4, Code 2023, is amended
22 to read as follows:

23 4. A landlord who fails to provide a written statement
24 and a copy of any termination inventory checklist required
25 to be completed by the landlord under section 562A.11A,
26 subsection 2, paragraph "d", within thirty days of termination
27 of the tenancy and receipt of the tenant's mailing address or
28 delivery instructions shall forfeit all rights to withhold
29 any portion of the rental deposit. If no mailing address or
30 instructions are provided to the landlord within one year from
31 the termination of the tenancy the rental deposit shall revert
32 to the landlord and the tenant will be deemed to have forfeited
33 all rights to the rental deposit.

34 Sec. 4. APPLICABILITY. This Act applies to tenancies
35 commenced under chapter 562A on or after January 1, 2024.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

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4 This bill amends Iowa's "Uniform Residential Landlord and
5 Tenant Act" to allow a landlord to use inventory checklists
6 both at the commencement and termination of tenancy for
7 each dwelling unit. Inventory checklists are not required
8 for a renewal or extension of an existing tenancy and the
9 requirements of the bill do not apply to the rental of land
10 upon which a mobile home may be placed. The checklist must
11 include all items in the dwelling unit or on the premises owned
12 by the landlord including but not limited to flooring, window
13 coverings, appliances, windows, furniture, walls, closets,
14 shelves, paint, doors, plumbing fixtures, and electrical
15 fixtures. The tenant then reviews the checklist, evaluates the
16 condition of each item, records a description of each item's
17 condition on the checklist, and returns the checklist to the
18 landlord within three days after receiving the checklist.

19 Under the bill, inventory checklists must be retained by the
20 landlord for a period of one year following termination of the
21 tenancy or as otherwise required by law. A landlord that uses
22 a checklist may collect a refundable deposit no more than \$150
23 to be returned to the tenant at the return of the checklist
24 within the required timeline. The landlord may require
25 the deposit to be in the form of a check. A fully executed
26 checklist shall be presumed valid and any damage not disclosed
27 beyond ordinary wear and tear shall be presumed to be the fault
28 of the tenant. At the termination of the tenancy, the landlord
29 is required to complete a termination inventory checklist by
30 evaluating the condition of each item, recording a description
31 of each item's condition on the checklist, and delivering a
32 copy of the checklist to the tenant if the tenant had initially
33 completed a checklist.

34 A landlord who fails to provide a copy of a termination
35 inventory checklist if required by the bill forfeits the right

1 to withhold any portion of the tenant's rental deposit.

2 The bill applies to tenancies commenced under Code chapter

3 562A on or after January 1, 2024.